

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

**FILE:** B-209551

**DATE:** November 1, 1982

**MATTER OF:** Tamaqua Cable Products Corporation

**DIGEST:**

Protest challenging the propriety of an agency's decision to reject all bids as unreasonably high (including the protester's low bid) and to cancel a solicitation is untimely and not for consideration on the merits where filed in GAO more than 10 days after the protester knew of the cancellation.

Tamaqua Cable Products Corporation protests the award of a contract to Edge Supply Company under solicitation No. 10-S0408, issued by the Department of the Interior, Bureau of Reclamation, for a quantity of 600 volt copper cable.

This requirement was originally advertised under solicitation No. 10-S0385, which was set aside for small business concerns and which attracted four responsive small business bids. Tamaqua was the low bidder at \$269,085, but because the Government estimate was \$190,750, the contracting officer determined that all four bids received were unreasonably high. We have been advised by the agency that all bids, including Tamaqua's, were rejected, and that the solicitation was canceled on May 24, 1982. The requirement then was readvertised on an unrestricted basis under solicitation No. 10-S0408, issued on May 25. Tamaqua submitted a bid on this resolicitation but award was made to Edge, the low bidder, on August 13. Tamaqua received written notification of this award on August 16. Tamaqua now contends that its bid on the original solicitation never should have been rejected, and that the award to Edge thus was improper.

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Under our Bid Protest Procedures, protests must be filed no later than 10 working days after the basis of the allegations first were known or should have been known. 4 C.F.R. § 21.2(b)(2) (1982). Protests not filed within this period of time will be dismissed as untimely. Here, if Tamaqua believed it should have received an award based on its low bid under the original solicitation, it was required to protest within 10 days after learning that the solicitation had been canceled. Similarly, if Tamaqua believed the award to Edge was otherwise improper, it should have protested to our Office no later than 10 days after learning of the award. We did not receive Tamaqua's protest until October 18, significantly more than 10 days after both the May 24 cancellation of the first solicitation and August 16, when Tamaqua received notification of award under the second solicitation. Consequently, the protest is untimely and will not be considered on the merits. See generally Kirschner Brush Manufacturing Company, B-201961, February 26, 1981, 81-1 CPD 136.

The protest is dismissed.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
Acting General Counsel